



U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Docket Number: **2664/63006**

Application Number 10/800,290

Filing Date

Examiner

Art Unit

March 12, 2004

Unassigned

1614

Invention Title

PROCESSES FOR PREPRATION OF POLYMORPHIC

FORMS OF DESLORATADINE

Inventors

Zoltan G. TOTH et al.

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandra, VA 22313-1450 I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date:

NOV, 4, 2004

Signature:

Sharon T. Huang

Sir:

- 1. In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and in conformance with the procedures of 37 C.F.R. §§ 1.97 and 1.98 and M.P.E.P. § 609, attorneys for Applicants hereby bring the following references to the attention of the Examiner. These references are listed on the attached modified PTO Form No. 1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).
- 2. In accordance with the Official Gazette of August 5, 2003, which stated that the United States Patent and Trademark Office waived the requirement under 37 C.F.R. § 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. patent applications filed after June 30, 2003, copies of each of the cited U.S. patents and U.S. patent application publications are not being provided.
- 3. Copies of patents, publications or other information listed on the modified PTO Form 1449 are enclosed, unless indicated otherwise.

4. It is believed that no fees are due in connection with this Information Disclosure Statement. However, should any fees be due the Commissioner is authorized to charge deposit account number 11-0600 for such fees.

Respectfully submitted,

Date:

Payam Moradian Reg. No. 52,048

KENYON & KENYON One Broadway New York, New York 10004 (212) 425-7200 (telephone) (212) 425-5288 (facsimile) CUSTOMER NUMBER 26646

PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form AND AVPTO	Complete if Known			
	Application Number	10/800,290		
INFORMATION DISCLOSURE	Filing Date	March 12, 2004		
STATEMENT BY APPLICANT	First Named Inventor	Toth et al.		
	Art Unit	1614		
(Use as many sheets as necessary)	Examiner Name	To be assigned		
Sheet 1 of 1	Attorney Docket Number	2664/63006		

	U.S. PATENT DOCUMENTS				
Examiner Cite Initials * No.1	Document Number	Publication Date	Name of Patentee or Applicant	Pages, Columns, Lines, Where Relevant	
	No.1	Number - Kind Code ² (if known)	MM-DD-YYYY	of Cited Document	Passages or Relevant Figures Appear
		US-			
		US-			-
		US-			

FOREIGN PATENT DOCUMENTS						
		Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Pages, Columns,	
Examin er Initials*	Cite No. ¹	Country Code ³ Number ⁴ - Kind Code ⁵ (if known)	Publication Date MM-DD-YYYYY		Lines, Where Relevant Passages or Relevant Figures Appear	T [®]
		EP 0 270 818 A1	June 15, 1988	Piwinski et al.		
		WO 99/01450	January 14, 1999	Schumacher et al.		
		WO 95/10515	April 20, 1995	Bishop et al.		
		WO 03/086275 A2	October 23, 2003	Thennati et al.		
		WO 2004/012738 A1	February 12, 2004	Ray et al.		
	l					

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	

Examiner Signature	Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Sether Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if

or document by the appropriate symbols as indicated on the document under WIPO standard S1. To it possible. Applicant is to place a check mark nere if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.